IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 23952 of 2006(B)

PETITIONER:

UTHAMI VIJAYAKUMAR, AGED 32 YEARS,
WIDOW OF S.VIJAYAKUMAR, HOUSE NO.116 MANAVA NAGAR,
PALULANGARA POST, PETTAH, THIRUVANANTHAPURAM.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

1. STATE OF KERALA, REP. BY SECRETARY TO
FINANCE DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

2. HDFC, HOUSING DEVELOPMENT CORPORATION,
HDFC HOUSE, P.O.BOX NO.2288, VAZHUTHACAD,
THIRUVANANTHAPURAM.

3. RESERVE BANK OF INDIA, REP. BY
REGIONAL MANAGER, REGIONAL OFFICE,
ERNAKULAM.

BY ADV. SRI.P.JACOB VARGHESE, SC, RBI
SRI.K.K.CHANDRAN PILLAI
SRI.A.S.SAJUSH PAUL
G.P. SHRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 23952/06.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE MEDICAL CERTIFICATE.

P2. COPY OF THE PHOTOGRAPHS.

P3. COPY OF THE DIVORCE DECREE DTD.7.4.03.

P4. COPY OF THE ORDER AGAINST 1ST WIFE.

P5. COPY OF THE LEGAL HEIRSHIP CERTIFICATE.

P6. COPY OF THE ORDER OF F.C. TRIVANDRUM IN O.P.NO.280/05.

P7. COPY OF THE LETTER FROM KELSA.

P8. COPY OF THE LETTER FROM R2.

P9. COPY OF THE LETTER FROM.R2.

P10. COPY OF THE LETTER BY R2.

P11. COPY OF THE letter from R2.

P12 COPY OF THE PAY ORDER DTD.19.1.07 BF KERALA STATE CO-OP. BANK LTD. KAITHAMUKKU BRANCH, FOR RS.4,00,000/-

P13. COPY OF THE CHEQUE DTD.19.3.07 OF INDIAN OVERSEAS BANK FOR RS.2,50,000/-.

P14. COPY OF THE CHEQUE DTD.24.2.07 OF KERALA STATE CO-OP. BANK LTD. KAITHAMUKKU, TRIVANDRUM FOR RS.1,50,000/-.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.23952 of 2006

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Dated this the 23rd day of August, 2007

J U D G M E N T

The petitioner challenges proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act. It is admitted by both sides that almost Rs.10 lakhs out of the amount of Rs.12 lakhs due has been paid by the petitioner. The petitioner now seeks permission to pay off the balance amount in instalments.

2. I have heard the learned Standing Counsel appearing for the respondents also.

3. In the facts and circumstances of the case, I dispose of this writ petition with a direction to the 2nd respondent to permit the petitioner to pay off the balance amount in four equal monthly instalments starting form 1.10.2007. Every subsequent instalment shall be paid on the first working day of every succeeding month. If the petitioner pays the amount as directed

above, further proceedings pursuant to the impugned notices shall be kept in abeyance. However, if the petitioner commits default in payment of any of the instalments, it would be open to the respondents to continue the proceedings as now initiated without having to issue any fresh notice or proceedings in this regard.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.